

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

NOTICE OF PROPOSED REGULATORY ACTION

TITLE 13, CALIFORNIA CODE OF REGULATIONS (13 CCR)
DIVISION 2, CHAPTER 6.5, ARTICLE 6 - CARRIER REQUIREMENTS
ADD SECTION 1230.5

INTERMODAL CHASSIS INSPECTION TAGS (CHP-R-03-05)

The California Highway Patrol (CHP) proposes to add regulations to Title 13, California Code of Regulations (13 CCR), relating to intermodal inspection tags.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

13 CCR, Division 2, Chapter 6.5 contains CHP regulations governing motor carrier safety. Article 6 contains the regulations relating to carrier requirements. Section 1230.5 is proposed to provide specifications for intermodal chassis inspection tags.

Senate Bill (SB) 1507 (Romero) was signed into law on September 26, 2002 (Chapter 897, 02), effective January 1, 2003. The bill amended the language of Section 34505.9, California Vehicle Code (VC), creating a statutory requirement for ocean marine terminal operators participating in the Intermodal Roadability Inspection Program, to affix tags to intermodal chassis indicating inspection results. The amended language requires a red tag affixed to each chassis that fails an inspection, and a green tag affixed to each chassis that passes an inspection. Further, the section directs the tags shall be provided by the ocean marine terminal operators and shall meet specifications determined by the CHP. The proposed regulation contains those specifications for the intermodal chassis inspection tags.

PUBLIC COMMENTS

Any interested person may submit written comments on the proposed action via facsimile at (916) 446-4579, by email to cvsregs@chp.ca.gov, or by writing to:

California Highway Patrol
Commercial Vehicle Section – 062
ATTN: Don Callaway
P. O. Box 942898
Sacramento, CA 94298-0001

Written comments must be received no later than 5:00 p.m., November 17, 2003.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by Commercial Vehicle Section (CVS) no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an Initial Statement of Reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 446-4579 or by calling CHP at (916) 445-1865. All requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number, in case the requester's information is incomplete or illegible.

The rulemaking file is available for inspection at the California Highway Patrol, Commercial Vehicle Section, 444 North Third Street, Sacramento. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our web site at www.chp.ca.gov/regulations.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our website.

CONTACT PERSON

Any questions concerning the contents of the proposed regulations should be directed to Mr. Don Callaway or Mr. Gary Ritz, CHP, CVS, at (916) 445-1865. Inquiries regarding the substance of the proposed regulations should be directed to Mr. Don Callaway.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL AND ECONOMIC IMPACT

The CHP has made an initial determination that the proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary or reimbursable costs or savings to any local agency, school district, or state agency, or federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CHP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESS

The CHP has determined the proposed regulatory action may affect small businesses.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered by the CHP, or that has otherwise been identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Section 34501 VC.

REFERENCE

This action implements, interprets, or makes specific Section 34505.9 VC.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
S. H. PEREZ, Chief
Enforcement Services Division